

REMARKS

Claims 7, 13, 19, 31, and 37-39 stand rejected under 35 U.S.C. 102(e) as being anticipated by Cinquini et al. (United States Patent No. 7,065,492). Claims 1-3, 8, 9, 14, 15, 20, 21, 25-27, 32 and 33 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Cinquini et al. To begin with, the Cinquini et al. patent is a mix and match system, not a system of preselected boxes with preselected items to be shipped. Simply to compare this to the amended Claim 1, the gifts to be delivered are “of predetermined size” and “no more than a maximum weight”, whereas the items to be shipped in the Cinquini et al. patent are of “no more than a maximum weight” but of indeterminate size other than whatever it happens to be that it must fit in a package that happens to have that amount of postage. Furthermore, in claim 1 of the present invention, delivery boxes are preselected. Each box is preselected of the proper size for a gift of the predetermined size. This is especially pointed out in claims 2 and 3. In those claims, the boxes are preselected for holding a CD jewel case in claim 2 or a DVD case in claim 3. The jewel case could have one or two CD’s and the DVD case could have one or two DVD’s. The box size matches the CD jewel case, but the postage matches the CD jewel case with two CD’s. The same holds for the DVD case. The Cinquini et al. patent does not show any of these features. The Cinquini et al. patent deals with a situation in which the item to be mailed could be almost anything. The present invention deals with simplification of a process for sending standard size gifts or other items that would have a standard size or just a few standard sizes. This would be especially true in a music store or a music department of a larger store where people would purchase CD’s as gifts. This allows the box size and postage to be predetermined whereas in the airport situation described by the Cinquini et al. patent, the size and postage are determined on the spot from a large selection of possible sizes and postage amounts.

Claims 4, 5, 10, 11, 16, 17, 22, 23, 28, 29, 34 and 35 stand rejected under 35 U.S.C. 103(a) based on Cinquini et al. in view of McClung et al. (United States Patent Application Publication No. US 2004/0059636). The remarks with respect to Cinquini et al. still stand. Applicant admits that waybills are well known. What is not well known or obvious is to make the waybills out in advance for preselected size boxes and preselected maximum weight for the items for which the boxes are preselected.

Finally, Claims 6, 12, 18, 24, 30 and 36 stand rejected under 35 U.S.C. 103(a) based on Cinquini et al. in view of Kara (United States Patent Application Publication No. US 2007/0198441). The remarks with respect to Cinquini et al. still stand. Applicant admits that gift cards are well known. What is not well known or obvious is to have the gift cards associated with preselected size boxes and preselected maximum weight for the items for which the boxes are preselected. Further, Kara is a computer based system. A computer based system such as shown in the Kara application requires extra employee skill and time. The present system is designed to simplify the whole process of sending standard size items with maximum weight. "Size" in this case includes dimensions, such as the dimensions of CD jewel cases or the dimensions of DVD cases. In the system of the present invention, an employee simply sells a customer a box for the purchased item which is the right size for the item and already has enough postage for that item even if the item weight can vary.

It is respectfully urged that all of the claims are in condition for allowance and an early indication of allowance is respectfully requested. A request for extension and a check for the fee are enclosed. Please charge any additional fees which may be required or credit any over payment to Deposit Account No. 20-1123.

Respectfully submitted,



W. Thomas Timmons
Registration No. 27,839
Customer No. 29222
Tel 214-528-1881 Ext. 208
Fax 214-528-6578
timmons@ippractice.com